IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3930 of 2004
Date of Decision: 8.09.2006

Kartar Singh ...Petitioner

Vs.

Randhir Singh and Anr. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Rahish Pahwa Dudeja, Advocate,
for the petitioner.

Mr.Kamal Mor, Advocate,
for the respondents.

Vinod K.Sharma, J. (Oral)

By way of the present revision petition the challenge is to the order dated 7.2.2004 passed by the learned Civil Judge (Junior Division), Kaithal rejecting the application moved by the petitioner for the appointment of Local Commissioner.

Learned counsel for the petitioner contended that the defendant-respondent was digging earth from the suit land and changing the nature of agricultural land in spite of grant of status quo. The application was contested by the respondent on the plea that respective parties are in exclusive possession of their shares though the property is shown to be joint.

The learned trial court rejected the application by holding that the report of the Local Commissioner regarding digging of the earth from specific killa number was not necessary for deciding the dispute between the parties as the defendant-respondent was in exclusive possession of the land in dispute and the remedy available to the petitioner was to file a suit for partition. It was further held that the dispute between the parties is to be decided by producing cogent and convincing evidence and therefore, there was no necessity to appoint Local Commissioner for collecting the evidence.

There is no illegality or irregularity in the impugned order passed by the learned Trial Court which may warrant interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

8.09.2006
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